

## **EXHIBIT A**

State of New York - Department of State  
Division of Corporations

Party Served:  
CVS ALBANY, L.L.C.

Plaintiff/Petitioner:  
BOSHCA, LYDIA

C/O CVS PHARMACY, INC.  
ATTN: MELANIE LUKER  
ONE CVS DRIVE  
WOONSOCKET, RI 02895

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 01/19/2018 pursuant to SECTION 303 OF THE LIMITED LIABILITY COMPANY LAW. This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,  
Division of Corporations

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
LYDIA BOSHCA.

Plaintiff.

-against-

CVS HEALTH CORPORATION, CVS ALBANY  
LLC, d/b/a CVS PHARMACY,

Defendants.  
-----X

Index No. 600925/2018

Date Index No. Purchased: 1/16/2018

Plaintiffs designate Suffolk County as the  
place of trial

**SUMMONS**

The basis of venue is Plaintiff's residence

To the above named Defendants:

**YOU ARE HEREBY SUMMONED** to answer the Verified Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorney within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
January 16, 2018

Yours, etc.

KREINDLER & KREINDLER LLP

By: 

Andrew J. Maloney III, Esq.  
Kreindler & Kreindler LLP  
750 Third Avenue  
New York, NY 10017  
Phone: (212) 687-8181  
Attorneys for Plaintiffs

TO DEFENDANTS:

CVS HEALTH CORPORATION

Attn: Melanie Luker

One CVS Drive

Woonsocket, RI 02895

CVS ALBANY LLC

d/b/a CVS Pharmacy

One CVS Drive

Woonsocket, RI 02895

Attn: Melanie Luker

**Via Secretary of State**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
LYDIA BOSCHA,

Index No: 600925/2018

Plaintiffs,

-against-

**VERIFIED  
COMPLAINT**

CVS HEALTH CORPORATION,  
CVS ALBANY LLC, d/b/a  
CVS PHARMACY

Defendants.  
-----X

Plaintiff, by her attorneys. Kreindler & Kreindler, LLP, as and for her Verified Complaint, respectfully alleges, upon information and belief:

**PARTIES**

1. The plaintiff, LYDIA BOSCHA, at all times herein mentioned was and still is a resident of the County of Suffolk and the State of New York. Ms. Boscha was born in 1926 and is 91 years old.
2. The defendants CVS HEALTH CORPORATION and CVS ALBANY LLC, d/b/a CVS PHARMACY (hereinafter "CVS"), at all times herein mentioned, were and still are corporations organized and existing under the laws of the State of Rhode Island and licensed to conduct business in the State of New York.
3. CVS at all times herein mentioned regularly conducted and carried on business in the County of Suffolk and the State of New York.
4. CVS, at all times herein mentioned was and still is a corporation doing and transacting business in the County of Suffolk and the State of New York.
5. At all times herein mentioned, CVS derived substantial revenue from pharmaceutical goods or services rendered in the State of New York, and derived substantial revenue

from interstate or international commerce.

6. At all times herein mentioned, CVS expected or should reasonably have expected their acts to have consequences in the State of New York.
7. At all times herein mentioned, CVS owned, operated, leased, licensed and conducted a pharmacy business at 1280 Deer Park Avenue, North Babylon, New York, known as CVS Pharmacy.

**AS AND FOR THE FIRST CAUSE OF ACTION FOR NEGLIGENCE**

8. On or about February 8, 2017, CVS was responsible for fulfilling a prescription from Plaintiff, Lydia Boscha's primary care physician, Sumeet K. Anand, M.D., for Kayexalate Powder, 30gm dose to be taken orally **one time** to lower the potassium levels in her blood. CVS however, erroneously filled the script by substituting Sodium Polystyrene Sulf Powder, 30gm to be taken **Once per Day** until finished, which would be in approximately one month. Ms. BOSCHA followed the instructions from CVS pharmacy and proceeded to ingest 30gm of the Sodium Polystyrene Sulf Powder every day for the next 15 days.
9. Ms. BOSCHA became ill and got worse each day. On or about February 23, 2017, Plaintiff LYDIA BOSCHA became seriously ill and visited her physician who told her to stop taking the powder. Nonetheless the damage was done and Ms. BOSCHA was hospitalized on February 28, 2017 and close to death. She remained hospitalized for approximately one week where she received treatment around the clock until she was discharged from Good Samaritan Hospital Medical Center on March 7, 2017.
10. On or about February 8, 2017 through March 7, 2017, solely as a direct result of the defendants' negligence, careless and recklessness in filling her prescription medication improperly and issuing improper instructions on dosage, LYDIA BOSCHA was caused to

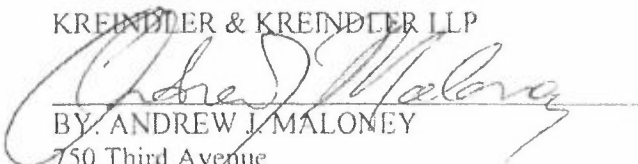
suffer dehydration, kayexalate toxicity, congestive heart failure exacerbation, COPD exacerbation, bilateral carotid stenosis, complex renal mass or cyst, hypertension, hyperlipidemia and atrial fibrillation.

11. By reason of the foregoing, LYDIA BOSCHCA was injured and damaged, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are believed to be permanent in the nature and duration, and LYDIA BOSCHCA will be permanently caused to suffer pain, inconvenience and other effects of such injuries.
12. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.
13. Due to defendants' negligence, plaintiff is entitled to damages in the sum of which exceeds the jurisdictional limits of all lower courts, and is within the courts' jurisdiction.

**WHEREFORE**, due to defendants' negligence and their failure to use reasonable care in filling plaintiff's prescription medication and issuing improper instructions on dosage, plaintiff is entitled to damages in the sum of which exceeds the jurisdictional limits of all lower courts, and is within the courts jurisdiction, together with interest and the costs and disbursements of this action, and such other and further relief as to this Court seems just and proper.

Dated: January 16, 2018  
New York, New York

KREINDLER & KREINDLER LLP

  
BY: ANDREW J. MALONEY

750 Third Avenue  
New York, New York 10017  
(212) 973-3438

ATTORNEY VERIFICATION

ANDREW J. MALONEY, an attorney duly admitted to practice law in the State of New York, under penalties of perjury, affirms the following:

That deponent is the attorney for the Plaintiff(s) in the action within; that deponent has read foregoing **VERIFIED COMPLAINT** and knows the contents thereof, that the same is true to the deponent's own knowledge except as to the matters therein stated to be based upon information and belief, and as to those matters believes it to be true and the reason this Verification is not made by Plaintiff(s) and is made by deponent is that Plaintiff is not presently located in the county where the deponent-attorney maintains his office.

Dated: January 16, 2018  
New York, New York

  
BY: ANDREW J. MALONEY